

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

3COM CORPORATION,

Plaintiff,

v.

CAPITAL 4, INC., et al.,

Defendants.

Civ. No. 07-Civ.-8707(JSR) (JDF)

AFFIDAVIT OF COUNSEL

I, Daniel E. Rosenfeld, depose and state as follows:

1. Attached hereto as Exhibit A is a true and correct copy of the Operations Agreement executed by 3Com Corporation ("3Com") and Capital 4, Inc. ("Capital 4") on November 10, 2006.
2. Attached hereto as Exhibit B is a true and correct copy of September 25, 2007 correspondence from Capital 4 to its customers.
3. Attached hereto as Exhibit C is a true and correct copy of September 18, 2007 correspondence from S. Hughes to D. Whitehouse.
4. Attached hereto as Exhibit D is a true and correct copy of a June 28, 2006 Settlement Agreement and Release between Capital 4 and Evans, Ewan & Brady Insurance Agency, Inc.
5. Attached hereto as Exhibit E is a true and correct copy of an October 4, 2007 e-mail from S. Hughes to P. Kamrath.
6. Attached hereto as Exhibit F is a true and correct copy of a November 27, 2007 e-mail from S. Hughes to P. Kamrath.
7. Attached hereto as Exhibit G is a true and correct copy of a December 4, 2007 e-mail from S. Hughes to P. Kamrath.

8. Attached hereto as Exhibit H is a true and correct copy of February 12, 2008 correspondence from S. Hughes on behalf of Bank & Trust Company to D. Whitehouse and J. Noon.

9. Attached hereto as Exhibit I is a true and correct copy of February 20, 2008 correspondence from S. Hughes on behalf of Litchfield Family Practice Center to D. Whitehouse and J. Noon.

10. Attached hereto as Exhibit J is a true and correct copy of February 12, 2008 correspondence from S. Hughes on behalf of Evans, Ewan & Brady Insurance Agency, Inc. to D. Whitehouse and J. Noon.

11. Attached hereto as Exhibit K is a true and correct copy of Plaintiffs' Original Petition, and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction filed on March 10, 2008 in the action styled Texas Network of Youth Services v. 3Com Corp., No. 2008-14915 (11th Judicial District Court, Harris County).

12. Attached hereto as Exhibit L is a true and correct copy of a March 11, 2008 e-mail from S. Hughes to D. Rosenfeld.

13. Attached hereto as Exhibit M is a true and correct copy of March 10, 2008 correspondence from F. Davis Dawson to S. Hughes.

14. Attached hereto as Exhibit N is a true and correct copy of Plaintiffs' Notice of Nonsuit filed on May 5, 2008 in the action styled Texas Network of Youth Services v. 3Com Corp., No. 2008-14915 (11th Judicial District Court, Harris County).

15. Attached hereto as Exhibit O is a true and correct copy of March 7, 2008 correspondence from D. Rosenfeld to S. Hughes.

16. Attached hereto as Exhibit P is a true and correct copy of a subpoena issued to Simon H. Hughes in connection with the above-captioned action.

17. Attached hereto as Exhibit Q is a true and correct copy of a subpoena issued to The Hughes Law Firm, P.C. in connection with the above-captioned action.

18. Attached hereto as Exhibit R is a true and correct copy of a March 14, 2008 e-mail from P. Jordan to P. Kamrath.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on this 9th day of May, 2008.



Daniel E. Rosenfeld

CERTIFICATE OF SERVICE

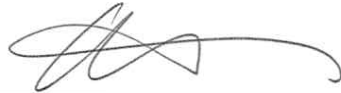
I hereby certify that on this 9th day of May, 2008, a true and correct copy of the foregoing document was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

I also certify that on this date the foregoing was served, via electronic mail and via United Parcel Service, on the following:

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